

### REMARKS

The Notice of Non-Compliant Second Amendment dated 11/01/2007 responding to the Second Office Action mailed 03/22/2007 has been reviewed. The above Third Amendment is submitted indicating the withdrawn claims 9-10, 12, and 15-16 and amended claim 11 and new claims 17-20. The Replacement Sheet of Fig. 1 labels the plate positioning segment as 17, the seal of claim 1, and the insulating wrap of claim 3, and the perimeter gasket of claim 5 in a written manner so no new matter was added. It is therefore requested that the Replacement Sheet be entered. The amendments in the substitute specification were made to eliminate the Examiner's objections to the disclosure because of the following informalities:

Page 6, line 3, "removable" was changed to --removably--

Page 6, lines 6-8 were amended into two sentences or correct the sentence structure and wording.

Page 6, line 8, "It may includes" was changed to --It may include--

Page 12, line 5, "seals" was changed to --seal--

In addition, Page 12, line 14 was amended to reflect that the cooling duct 12 was wrapped, and Page 13, line 1 was amended to reflect a perimeter gasket along the insulated stackable decorative plates 20. Support for the amendments is found in the claims and in the original specification, and adds no new matter.

The Examiner's 35 USC 112 objections were removed by amending the claims as follows:

Claim 1, lines 5 and 18 were amended to change "by plate" to--by a plate--.

Claim 1, line 6 was amended to change "removable" to --removably--

In addition, the limitation "the ceiling" per lines 2 and 7 and "the roof" per lines 4 and 19 were change to --a roof--, and --a ceiling-- to provide sufficient antecedent basis for this limitation in the claim.

Lastly, the language of the claims referring to "light channeling system" was changed to "the existing ducting of a removed swamp cooler" for clarification consistent

with the specification and drawings to more particularly point out applicant's adapter kit invention. Consequently, no new matter was added.

In addition, Claim 12 was withdrawn.

Claims 13 and 14 were cancelled to point out that applicant's invention only utilizes the existing ducting of a removed swamp cooler as an adapter kit so that there is no confusion with Hog et al.

A new dependent narrowed apparatus Claim 17 was added including a light attached to existing house wiring and placed within the existing ducting of a removed swamp cooler to provide a combination skylight/night light for day or evening use. This narrowed dependent claim is supported by the last paragraph on page 8 of the specification and adds no new subject matter.

New method claims 18-20 were also added claiming the method of adapting the existing ducting of a removed swamp cooler using the skylight kit of Claim 1 to create a skylight. As the skylight kit is novel, its method of installation is also novel and should be allowed.

### **35 USC §102 Rejection of Claims 1-2, 4, and 6**

A. The 35 USC §102(e) rejection of Claims 1-2, 4, and 6, as amended, as being anticipated by Hoy et al (U.S. Patent No. 6,918,216) is traversed. Hoy et al is a tubular skylight assembly to create an attic skylight, not a skylight conversion kit for the ductwork of a removed evaporative cooler. As such, Hoy et al requires a specialized round light conducting tube (Col 4, Claim 1, lines 37). Hoy et al is therefore not directed to a conversion kit for existing evaporative cooler ducting. Further, its ceiling mounts with plate coverings are specifically adapted for interconnection with its flexible specialized round light conducting tube. Nothing in Fig. 2 of Hoy et al shows that the square frame 10 coupling is of a depth, which allows square plates to be diagonally inserted therein. Further the Hoy et al specification discussing this element in Col 3, lines 18-40 does not mention that these square plates can be diagonally inserted within the round light conducting tube in a manner similar to applicant's invention of claim 1

for easy removal to change lights, cleaning, and insertion of differing types of plates along its diagonal. The rejection of Claim 1, as amended under 35 USC §102 is improper and should be withdrawn.

B. With respect to the rejection of the invention of Claim 2, as amended, dependent on Claim 1 based on the Hoy et al. tubular skylight assembly, the rejection is improper and should be withdrawn. Hoy et al. does not disclose a skylight conversion kit. Consequently, inclusion of a ceiling mount does not provide the decorative trim finished skylight conversion kit of Claim 2, so the rejection of Claim 2, as amended should therefore be withdrawn.

C. With respect to the rejection of the invention of Claim 4, as amended, dependent on Claim 1 based on the Hoy et al, the rejection is improper and should be withdrawn. Hoy et al does not suggest the skylight conversion kit of Claim 4 wherein the insulated light transmitting plate covering the exterior end of the ductwork of a removed evaporative cooler is flat to minimize roof obstruction and wind noise. The rejection of Claim 4, as amended, is improper and should be withdrawn.

D. With respect to the rejection of the invention of Claim 6, as amended; dependent on Claim 1 based on the Hoy et al tubular skylight assembly, the rejection is improper and should be withdrawn. Hoy et al does not include interchangeable decorative plates. Nor is Hoy et al structured to allow different decorative plates to be diagonally inserted within the ceiling mount for quick insertion and removal. The rejection of Claim 6, as amended, dependent on Claim 1, is improper and should be withdrawn.

For the foregoing reasons, the 35 USC §102 rejection Claims 1, 2, 4 and 6, as amended, as being anticipated by Hoy et al (U.S. Patent No. 6,918,216) should be withdrawn.

### **35 USC §103 Rejection of Claims 3 and 8**

The 35 USC §103 rejection of Claims 3 and 8, as amended, as being unpatentable over Hoy et al (U.S. Patent No. 6,918,216) in view of Borges (U.S. Pub 2003/0000158) is traversed. The Examiner admits on page 7, last paragraph that Hoy et al does not teach the insulating wrap of Claim 3, as amended. To fill this gap, the

Examiner cited Borges, which discloses flexible reflective skylight tubes. This flexible reflective tube of Borges is not designed as an insulating wrap for existing evaporative cooler ducting. Consequently, the skylight tubes of Borges fail to provide the insulating wrap of applicant's invention of Claim 3, as amended.

Nor can the Borges square skylight tubes be combined with the Hoy et al round light conducting tube to suggest the invention of Claim 8, as amended. The invention of claim 8 is a rectangular ceiling mount adapted for use with square existing evaporative cooler ducting, discussed above, which is structured to allow rectangular plates to be interchanged along the diagonal opening for replacement. Nothing in Borges suggests a skylight conversion kit using an adapter box to allow use of interchangeable plates insertably removed along the diagonal employed by the invention of Claim 8, as amended, to suggest the subject matter of the claims. The rejection of Claim 8 based on Hoy et al. combined with Borges should therefore be withdrawn

For the foregoing reasons, the 35 USC §103 rejection of Claims 3, and 8, as amended, is therefore improper and should be withdrawn.

#### **35 USC §103 Rejection of Claims 5 and 11**

The 35 USC §103 rejection of Claims 5 and 11, as amended, as being unpatentable over Hoy et al (U.S. Patent No. 6,918,216) in view of the Verby et al (U.S. Pat 5,103,603) hinged skylight is traversed. As discussed, Hoy et al fails to disclose a skylight conversion kit of claim 1, as amended. Further, the Examiner admits on page 9, first paragraph that Hoy et al does not teach the perimeter gasket system of dependent Claim 5, as amended. To fill this gap, the Examiner cited Verby et al., which discloses a continuously hinged skylight assembly with perimeter edges of a plurality of stacked plates to isolate them. Verby et al. thus fails to disclose a skylight conversion kit for the existing ducting of a removed evaporative cooler of claim 1 and dependent claim 5, as amended. This hinged skylight assembly of Verby et al has gaskets between stacked roof plates, but is not designed as a perimeter gasket system for stacked plates covering an evaporative cooler ceiling mount. Consequently, the hinged skylight assembly of Verby et al fails to provide the perimeter gasket system of applicant's invention of Claim 5, as amended.

Hoy et al fails to disclose a skylight conversion kit of claim 11, as amended. The Examiner admits on page 9, second paragraph that Hoy et al does not teach a roof mount adapted to open the light transmitting plate in an open mode to allow air to pass through the existing ducting of a removed evaporative cooler into the interior of a room of Claim 11, as amended. To fill this gap, the Examiner again cited Verby et al. Verby et al does not disclose a continuously hinged skylight assembly associated with existing ducting of a removed evaporative cooler connecting the roof with the interior of a room. This hinged skylight assembly of Verby et al has its own assembly in communication with a room's interior, and is not designed to removably cover existing swamp cooler ducts. Consequently, the hinged skylight assembly of Verby et al fails to provide a roof mount adapted to open and close the evaporative cooler ducts of applicant's invention of Claim 11, as amended.

The 35 USC §103 rejection of Claims 5 and 11, as amended, is therefore improper and should be withdrawn.

#### **35 USC §103 Rejection of Claim 7**

Hoy et al and Verby et al fail to disclose a skylight conversion kit of claim 5, as amended. Further, the Examiner admits on page 10, last paragraph that they do not teach employing plates with differing insulating properties of Claim 7, as amended. To fill this gap, the Examiner cited Emde et al (US 2004/0040228), which discloses a sandwich-like panel element using solar cells and diffusing panels (col 3, Claim 1). This sandwich-like panel element of Emde et al is a light generating system, and is not a skylight conversion kit of Claim 7. Emde et al does not employ interchangeable plates to alter the thermal efficiencies of the stacked glass plates covering the existing light channeling system. Consequently, the sandwich-like panel element of Emde et al fails to provide a skylight kit with interchangeable plates of differing insulating qualities adapted to removably cover the interior opening of a light channeling system of applicant's invention of Claim 7, as amended. The rejection of Claim 5 based on Hoy et al and Verby et al in combination with Emde et al is therefore improper and should be withdrawn.

#### **Cancelled Claims 13 and 14**

Dependent Claims 13 and 14 were cancelled.

**Claims 15-16**

Claims 15-16 were withdrawn.

**Added Claim 17**

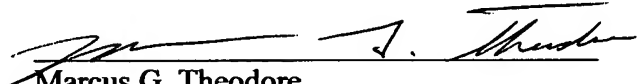
Dependent Claim 17 was added to include a light attached to existing house wiring and placed within the existing ducting of a removed swamp cooler to provide a combination skylight/night light for day or evening use. Nothing in the cited references suggests a combination skylight/night light, so these novel claims should be approved.

**Claims 18-20**

New method claims 18-20 were also added claiming the method of adapting the existing square ducting of a removed swamp cooler using the skylight kit of Claim 1 to create a skylight; thereby eliminated the need for a plate positioning box or a rectangular box for allowing the removal and interchange of the square decorative cover plates. As the skylight kit is novel, its method of installation is also novel and should be allowed.

In summary, Claims 9-10, 12, and 15-16 were withdrawn to a non elected specie. The rejection of Claims 1-8 and 11, as amended, should now be reversed for the foregoing reasons, and new Claims 17-20 should also be allowed. If additional claim amendments are required, a telephonic conference with the Examiner is requested.

Dated this 5<sup>th</sup> day of November 2007.



Marcus G. Theodore  
Attorney for Applicant  
Reg. No. 26,815  
466 South 500 East  
Salt Lake City, Utah 84102  
(801) 359-8622

**CERTIFICATE OF MAILING**

I certify that I mailed a true and correct copy of the Foregoing Third Amendment to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450; postage prepaid, and faxed a copy to 571-273-8300, this 5<sup>th</sup> day of November 2007.

